

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN RE:  
BLUE CROSS BLUE SHIELD  
ANTITRUST LITIGATION  
(MDL NO. 2406)**

**Master File No. 2:13-CV-20000-RDP  
This Document Relates to  
Provider Track Cases**

**PROVIDER PLAINTIFFS' NOTICE OF UPDATES REGARDING FINAL APPROVAL**

Please take notice of the following items relating to final approval of the Provider Plaintiffs' settlement:

**I. Updated Fees and Expenses**

When the Provider Plaintiffs moved for an award of fees and expenses on February 2, 2025, they reported that Provider Plaintiffs' counsel had spent more than 373,000 hours litigating this case, amounting to more than \$227 million of lodestar. Doc. No. 3258-1 at 12. They also reported that they had incurred more than \$97.2 million in Shared Costs and \$2.1 million in Held Costs. *Id.* at 27. In addition, they stated, "Because Provider Plaintiffs will continue to incur expenses until the Final Fairness Hearing, they propose that they submit a final figure for the Court's approval one week before the Final Fairness Hearing. Provider Plaintiffs expect that the total will be less than \$103 million." *Id.* at 27.

As of June 30, 2025, they have now spent more than 386,000 hours litigating this case, amounting to more than \$237 million of lodestar. Exhibit A (Co-Lead Counsel Declaration) ¶ 3; Exhibit B (Local Facilitating Counsel Declaration) ¶ 2. That difference reduces the lodestar multiplier for their requested fee award from 2.89 to 2.77. Exhibit A, ¶ 3. They have incurred \$99,934,671.68 in Shared Costs, Exhibit C (Updated Declaration of Special Master) at 3. The increased Shared Costs primarily relate to expert analysis that was essential in giving Class

Members information they needed to decide whether to remain in the Settlement. The Provider Plaintiffs request an award equal to their Held Costs as of September 30, 2024, which was \$2,124,806.81. *Id.* Ex. B. The Provider Plaintiffs are not seeking any additional reimbursement related to their additional lodestar and Held Costs accrued since September 30, 2024, which total approximately \$10.5 million. Exhibit A, ¶ 5. Therefore, the Provider Plaintiffs request that the Court award expenses of \$99,934,671.68 in Shared Costs and \$2,124,806.81 in Held Costs, for a total of \$102,059,478.49.

## **II. Settlement Administration**

Since filing the motion for final approval, Provider Co-Lead Counsel have continued to coordinate with the Settlement Administrator and the Settlement Notice Administrator on tasks relating to class notice and claims administration. A declaration from the Settlement Notice Administrator about these tasks is attached as Exhibit D.

## **III. Facially Valid Opt-Out List**

Provider Co-Lead Counsel have worked with the Settlement Notice Administrator to produce a list of facially valid opt-out requests. As explained in Paragraphs 27 and 29 of the Provider Co-Lead Counsel's declaration in support of final approval, Doc. No. 3313-2, and Paragraph 6 of their declaration filed with this notice as Exhibit A, inclusion on this list does not necessarily mean that the opt-out request is valid; it means only that the request appears to comply with the requirements of the Preliminary Approval Order and the Notice Plan. The list of facially valid opt-outs is attached as Exhibit E.

Respectfully submitted the 22nd day of July, 2025.

/s/ Edith M. Kallas

Edith M. Kallas – ***Co-Lead Counsel***  
WHATLEY KALLAS, LLP  
152 West 57<sup>th</sup> Street  
41<sup>st</sup> Floor  
New York, NY 10019  
Tel: (212) 447-7060  
Fax: (800) 922-4851  
Email: ekallas@whatleykallas.com

/s/ Joe R. Whatley, Jr.

Joe R. Whatley, Jr. – ***Co-Lead Counsel***  
W. Tucker Brown  
WHATLEY KALLAS, LLP  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, AL 35203  
Tel: (205) 488-1200  
Fax: (800) 922-4851  
Email: jwhatley@whatleykallas.com  
tbrown@whatleykallas.com

Patrick J. Sheehan  
WHATLEY KALLAS, LLP  
101 Federal Street  
19<sup>th</sup> Floor  
Boston, MA 10019  
Tel: (617) 573-5118  
Fax: (617) 371-2950  
Email: psheehan@whatleykallas.com

Henry C. Quillen  
WHATLEY KALLAS, LLP  
159 Middle Street  
Suite 2C  
Portsmouth, NH 03801  
Tel: (603) 294-1591  
Fax: (800) 922-4851  
Email: hquillen@whatleykallas.com

Barry Alan Ragsdale – ***Plaintiffs' Liaison Counsel and Discovery Liaison Counsel***  
Dominick Feld Hyde, PC  
1130 22<sup>nd</sup> Street South Ridge Park  
Suite 4000  
Birmingham, AL 35205  
Tel: (205) 536-8888  
bragsdale@dfhlaw.com

Deborah J. Winegard  
WHATLEY KALLAS, LLP  
1068 Virginia Avenue, NE  
Atlanta, GA 30306  
Tel: (404) 607-8222  
Fax: (404) 607-8451  
Email: dwinegard@whatleykallas.com

Charles Clinton Hunter  
HAYES HUNTER PC  
4265 San Felipe, Suite 1000  
Houston, TX 77027  
Tel: (281) 768-4731  
Fax: (713) 583-7047  
Email: chunter@hayeshunterlaw.com

E. Kirk Wood, Jr. – ***Local Facilitating Counsel***  
WOOD LAW FIRM LLC  
P. O. Box 382434  
Birmingham, AL 35238  
Tel: (205) 612-0243  
Fax: (205) 705-1223  
Email: kirk@woodlawfirmllc.com

Dennis Pantazis – ***Plaintiffs' Steering Committee***  
Brian Clark – ***Discovery Committee***  
WIGGINS CHILDS PANTAZIS FISHER  
GOLDFARB

Aaron S. Podhurst – ***Plaintiffs' Steering Committee***  
Peter Prieto – ***Chair, Expert Committee***  
PODHURST ORSECK, P.A.  
One S.E. 3rd Avenue

The Kress Building  
301 Nineteenth Street North  
Birmingham, AL 35203  
Tel: (205) 314-0500  
Fax: (205) 254-1500  
Email: dgp@wigginschild.com  
bclark@wigginschild.com

Dennis C. Reich – ***Chair, Damages Committee***  
REICH & BINSTOCK, LLP  
4265 San Felipe, Suite 1000  
Houston, TX 77027  
Tel: (713) 622-7271  
Fax: (713) 623-8724  
Email: dreich@reichandbinstock.com

Suite 2300  
Miami, FL 33131  
Tel: (305) 358-2800  
Fax: (305) 358-2382  
Email: apodhurst@podhurst.com  
pprieto@podhurst.com

Nicholas B. Roth – ***Chair, Discovery Committee***  
Julia Smeds Roth – ***Discovery Committee***  
EYSTER KEY TUBB ROTH MIDDLETON & ADAMS, LLP  
402 East Moulton Street, SE  
Decatur, AL 35602  
Tel: (256) 353-6761  
Fax: (256) 353-6767  
Email: nbroth@eysterkeylaw.com  
jroth@eysterkeylaw.com

David A. Balto – ***Expert Committee***  
THE LAW OFFICES OF DAVID A. BALTO  
1350 I Street, N.W., Suite 850  
Washington, DC 20005  
Tel: (202) 789-5424  
Fax: (202) 589-1819  
Email: david.balto@dcantitrustlaw.com

U.W. Clemon – ***Plaintiffs' Steering Committee***  
U. W. Clemon, LLC  
5202 Mountain Ridge Parkway  
Birmingham, AL 35222  
Tel: (205) 837-2898  
Email: uwclemon1@gmail.com

J. Mark White – ***Litigation Committee***  
Augusta S. Dowd – ***Chair, Litigation Committee***  
Linda G. Flippo – ***Discovery Committee***  
WHITE ARNOLD & DOWD, P.C.  
2001 Park Place North  
Suite 1400  
Birmingham, AL 35203  
Tel: (205) 323-1888  
Fax: (205) 323-8907  
Email: mwhite@whitearnoldanddowd.com  
adowd@whitearnoldanddowd.com  
lflippo@whitearnoldanddowd.com

Van Bunch – ***Chair, Class Certification Committee***  
BONNETT FAIRBOURN FRIEDMAN & BALINT, P.C.  
2325 E. Camelback Road, Suite 300  
Phoenix, AZ 85016  
Tel: (602) 274-1100  
Fax: (602) 274-1199  
Email: vbunch@bffb.com

Joey K. James – ***Litigation Committee***  
BUNCH & JAMES  
P. O. Box 878  
Florence, AL 35631  
Tel: (256) 764-0095  
Fax: (256) 767-5705  
Email: joey@joeyjameslaw.com

Robert J. Axelrod – ***Chair, Written Submissions Committee***  
AXELROD LLP  
800 Third Avenue, Suite 2800  
New York, NY 10022  
Tel: (646) 448-5263  
Fax: (212) 840-8560  
Email: raxelrod39@gmail.com

Richard S. Frankowski – ***Discovery Committee***  
THE FRANKOWSKI FIRM, LLC  
231 22<sup>nd</sup> Street South, Suite 203  
Birmingham, AL 35233  
Tel: (205) 390-0399  
Fax: (205) 390-1001  
Email: richard@frankowskifirm.com

W. Daniel Miles, III – ***Written Submissions Committee***  
BEASLEY ALLEN CROW METHVIN  
PORTIS  
& MILES, P.C.  
218 Commerce Street  
Montgomery, AL 36104  
Tel: (800) 898-2034  
Fax: (334) 954-7555  
Email: dee.miles@beasleyallen.com

John C. Davis – ***Written Submissions Committee***  
LAW OFFICE OF JOHN C. DAVIS  
623 Beard Street  
Tallahassee, FL 32303  
Tel: (850) 222-4770  
Email: john@johndavislaw.net

Michael C. Dodge – ***Expert Committee***  
GLAST PHILLIPS & MURRAY, P.C.  
14801 Quorum Drive, Suite 500  
Dallas, TX 75254  
Tel: (972) 419-7172  
Email: mdodge@gpm-law.com

Mark K. Gray – ***Discovery Committee***  
GRAY & WHITE  
713 E. Market Street, Suite 200  
Louisville, KY 40202  
Tel: (502) 805-1800  
Fax: (502) 618-4059  
Email: mgray@grayandwhitelaw.com

Michael E. Gurley, Jr. – ***Discovery Committee***  
Attorney at Law  
24108 Portobello Road  
Birmingham, AL 35242  
Tel: (205) 908-6512  
Email: mgurleyjr@yahoo.com

Stephen M. Hansen – ***Class Certification Committee***  
LAW OFFICE OF STEPHEN M. HANSEN  
1821 Dock Street  
Tacoma, WA 98402  
Tel: (253) 302-5955  
Fax: (253) 301-1147  
Email: steve@stephenmhansenlaw.com

Lynn W. Jinks, III – ***Expert Committee***  
Christina D. Crow – ***Discovery Committee***  
JINKS CROW, P.C.  
219 North Prairie Street  
Union Springs, AL 36089  
Tel: (334) 738-4225  
Fax: (334) 738-4229  
Email: ljinks@jinkslaw.com  
ccrow@jinkslaw.com

Harley S. Tropin – ***Damages Committee***  
Javier A. Lopez – ***Discovery Committee***  
KOZYAK TROPIN &  
THROCKMORTON, P.A.  
2525 Ponce De Leon Boulevard, 9th Floor  
Miami, FL 33134  
Tel: (305) 372-1800  
Fax: (305) 372-3508  
Email: [hst@kttlaw.com](mailto:hst@kttlaw.com)  
[jal@kttlaw.com](mailto:jal@kttlaw.com)

C. Wes Pittman – ***Settlement Committee***  
THE PITTMAN FIRM, P.A.  
432 McKenzie Avenue  
Panama City, FL 32401  
Tel: (850) 784-9000  
Fax: (850) 763-6787  
Email: [wes@pittmanfirm.com](mailto:wes@pittmanfirm.com)

Robert B. Roden – ***Litigation Committee***  
SHELBY RODEN, LLC  
2956 Rhodes Circle  
Birmingham, AL 35205  
Tel: (205) 933-8383  
Fax: (205) 933-8386  
Email: [rroden@shelbyroden.com](mailto:rroden@shelbyroden.com)

Gary E. Mason – ***Class Certification Committee***  
WHITFIELD BRYSON & MASON, LLP  
1625 Massachusetts Ave. NW, Suite 605  
Washington, DC 20036  
Tel: (202) 429-2290  
Fax: (202) 640-1160  
Email: [gmason@wbmllp.com](mailto:gmason@wbmllp.com)

Michael L. Murphy – ***Discovery Committee***  
BAILEY GLASSER LLP  
910 17<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20006  
Tel: (202) 463-2101  
Fax: (202) 463-2103  
Email: [mmurphy@baileyglasser.com](mailto:mmurphy@baileyglasser.com)

Myron C. Penn – ***Discovery Committee***  
PENN & SEABORN, LLC  
53 Highway 110  
Post Office Box 5335  
Union Springs, AL 36089  
Tel: (334) 738-4486  
Fax: (334) 738-4432  
Email: [myronpenn28@hotmail.com](mailto:myronpenn28@hotmail.com)

J. Preston Strom, Jr. – ***Litigation Committee***  
STROM LAW FIRM, LLC  
2110 N. Beltline Boulevard, Suite A  
Columbia, SC 29204-3905  
Tel: (803) 252-4800  
Fax: (803) 252-4801  
Email: [petestrom@stromlaw.com](mailto:petestrom@stromlaw.com)

Thomas V. Bender – ***Discovery Committee***  
Dirk L. Hubbard  
HORN AYLWARD & BANDY, LLC  
2600 Grand Blvd., Suite 1100  
Kansas City, MO 64108  
Tel: (816) 421-0700  
Email: [tbender@hab-law.com](mailto:tbender@hab-law.com)  
[dhubbard@hab-law.com](mailto:dhubbard@hab-law.com)

Gregory S. Cusimano – ***Litigation Committee***  
CUSIMANO, ROBERTS & MILLS, LLC  
153 South 9<sup>th</sup> Street  
Gadsden, AL 35901  
Phone: (256) 543-0400  
Fax: (256) 543-0488  
Email: [greg@alalawyers.net](mailto:greg@alalawyers.net)

Brian E. Wojtalewicz  
WOJTALEWICZ LAW FIRM, LTD.  
139 N. Miles Street  
Appleton, MN 56208  
Tel: (320) 289-2363  
Fax: (320) 289-2369  
Email: [brian@wojtalewiczwifirm.com](mailto:brian@wojtalewiczwifirm.com)

Lance Michael Sears  
SEARS & SWANSON, P.C.  
First Bank Building  
2 North Cascade Avenue, Suite 1250  
Colorado Springs, CO 80903  
Tel: (719) 471-1984  
Fax: (719) 577-4356  
Email: lance@searsassociates.com

Jessica Dillon  
Ray R. Brown  
Molly Brown  
DILLON & FINDLEY, P.C.  
1049 W. 5th Avenue, Suite 200  
Anchorage, AK 99501  
Tel: (907) 277-5400  
Fax: (907) 277-9896  
Email: Jessica@dillonfindley.com  
Ray@dillonfindley.com  
Molly@dillonfindley.com

Allyson C. Dirksen  
HEIDMAN LAW FIRM, P.L.L.C.  
1128 Historic 4th Street  
P. O. Box 3086  
Sioux City, IA 51101  
Tel: (712) 255-8838  
Fax (712) 258-6714  
Email: allyson.dirksen@heidmanlaw.com

Archie C. Lamb, Jr.  
ARCHIE LAMB & ASSOCIATES, LLC  
301 19<sup>th</sup> Street North, Suite 585  
The Kress Bldg.  
Birmingham, AL 35203-3145  
(205) 458-1210  
Email: alamb@archielamb.com

Paul Lundberg  
LUNDBERG LAW, PLC  
600 4TH Street, Suite 906  
Sioux City, IA 51101  
Tel: (712) 234-3030  
Fax: (712) 234-3034  
Email: paul@lundberglawfirm.com

Gwen Simons  
Simons & Associates Law, P.A.  
P.O. Box 1238  
Scarborough, ME 04070-1238  
Tel: (207) 205-2045  
Fax: (207) 883-7225  
Email: gwen@simonsassociateslaw.com

*Counsel for Provider Plaintiffs*